

LAKE COUNTY PLANNING AND DEVELOPMENT SERVICES ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

LAKE COUNTY ZONING BOARD
September 5, 2007



BOARD OF COUNTY COMMISSIONERS
September 25, 2007

Case: CUP #07/1/1-4	Tracking #06-7-CUP	Agenda Item #2
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Case Manager: Stacy Allen, Senior Planner

- Application Request -

Owner: John R. and Mary Ann Beatty (the "Owner")

Applicant: Greyhound Ranch Adoptions, Incorporated c/o Richard Ornstein (the "Applicant")

Requested Action: The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture Zoning District to allow for a ranch for retired racing greyhounds for their shelter, medical care, rehabilitation and adoption, as well as education about the characteristics of the greyhound breed (greyhound dog farm).

- Summary of Recommendation -

STAFF RECOMMENDATION: Staff recommends **approval with conditions** of the request for a CUP in the Agriculture Zoning District to allow for a ranch for retired greyhounds for their shelter, medical care, rehabilitation and adoption, as well as education about the characteristics of the greyhound breed (greyhound dog farm). The Applicant shall adhere to the conditions as set forth in the accompanying Conditional Use Permit.

ZONING BOARD RECOMMENDATION:

- Summary of Determination -

The Applicant is requesting a Conditional Use Permit (CUP) to allow for a ranch for up to 35 retired greyhounds for their shelter, medical care, rehabilitation and adoption, as well as education about the characteristics of the greyhound breed (greyhound dog farm). The subject parcel is approximately 10 acres in size, zoned Agriculture and is located in the Wekiva River Protection Area (WRPA), Wekiva Receiving Area #1, A-1-20 Overlay District #2 Future Land Use Category (FLUC). Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, allows greyhound dog farms in the Agriculture Zoning District with the issuance of a CUP. The Comprehensive Plan is silent with regard to greyhound dog farms in the WRPA.

According to LDR Section 3.01.04 (20), the CUP shall address the maximum number of animals to be permitted on the farm, required setbacks, the impact which animal noise and odor may have upon adjacent property owned by others, and provision for the removal of animal waste and sewage. Based on information provided by the Applicant, the maximum number of animals on-site would be up to 35 greyhounds.

The Applicant is proposing a 1,428 square foot kennel facility. The kennel building and all kennel-related structures shall meet the required 200-foot setback from the nearest right-of-way of any road, highway or adjacent boundary of property owned by others. Animal noise upon adjacent property owners is very difficult to define; however, due to the size of the property and through the incorporation of building materials, fencing and landscaping, it may not be an issue. According to the Applicant, retired greyhounds are quiet indoor animals and are only outside for short periods of time during the day for exercise.

The Environmental Health Department responded with comments based on current rules that all domestic and commercial waste must be disposed into a Department of Health/Lake County Health Department approved system. All of these items will be addressed in detail during the site plan review and approval process.

The issues of the greyhound dog farm will be sufficiently addressed through the requirements of the Comprehensive Plan and LDR; specifically the sections of the Comprehensive Plan that address development within the WRPA, as outlined in Goal 2, Wekiva River Protection Area, Objective 1-20, and all applicable policies of Objective 1-20; also all applicable Sections as outlined in LDR Chapter VII, Wekiva River Regulations. These policies and regulations will be enforced during the site plan review and approval process.

Based on these findings, staff supports this request for a greyhound dog farm and offers a recommendation of **APPROVAL** with conditions as outlined in the accompanying Conditional Use Permit.

- Site Information -

Existing Zoning:	Agriculture
Existing Use:	Residential
Future Land Use:	Wekiva River Protection Area, Wekiva Receiving Area #1, A-1-20 Overlay District #2
Size of Parcel:	10 acres
Map Location:	Section 20 - Township 19S - Range 28E
Location:	Mount Plymouth area – north of Mount Plymouth on east side of CR 437 off Shetland Trail, AK #3524373
Joint Planning Area:	N/A
Utility Area:	N/A

Site Utilities: Individual wells and septic systems

Road Classification: Shetland Trail – non-County maintained road

Site Visit: August 15, 2007 **Sign(s) Posted:** (1) on August 15, 2007

Commissioner's District: 4 (Stewart)

SURROUNDING LAND USE		SURROUNDING ZONING	
NORTH	Low density single-family residential	NORTH	Agriculture
SOUTH	Low density single-family residential	SOUTH	Agriculture
EAST	Heathrow Country Estate PUD	EAST	Agriculture and Planned Unit Development (PUD)
WEST	Low density single-family residential	WEST	Agriculture

- Findings of Fact -

According to the Lake County Land Development Regulations, Section 14.05.03, Standards for Review, in reviewing the application for a Conditional Use Permit, the Lake County Zoning Board and the Board of County Commissioner's shall consider:

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The request is consistent with Comprehensive Plan Goal 2, Wekiva River Protection Area (WRPA), Objective 1-20, Development within the Wekiva River Protection Area and the Policies of Objective 1-20 that does not exclude the use of a greyhound dog farm within the WRPA, Wekiva Receiving Area #1, A-1-20 Overlay District #2 Future Land Use Category (FLUC).

Greyhound dog farms are a conditional use in the Agriculture Zoning District, according to Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, providing that the conditions of Section 3.01.04 (20) are met. The conditions for a greyhound dog farm state that the Conditional Use Permit shall address the maximum number of animals to be permitted on the farm, required setbacks, the impact which animal noise and odor may have upon adjacent property owned by others, and provision for the removal of animal waste and sewage.

Based on information provided by the Applicant, the maximum number of animals on-site would be up to 35 greyhounds.

The Applicant is proposing a 1,428 square foot kennel facility. The kennel building and all kennel-related structures/areas shall meet the required 200-foot setback from the nearest right-of-way of any road, highway or adjacent boundary of property owned by others.

Animal noise upon adjacent property owners is very difficult to define; however, due to the size of the property and through the incorporation of building materials, fencing and landscaping, it may not be an issue. According to the Applicant, retired greyhounds are quiet indoor animals and are only outside for short periods of time during the day for exercise.

The proposed use is in compliance with the requirements and is consistent with the general purpose, goals, objectives and standards of the Comprehensive Plan and LDR.

B. Effect on Adjacent Properties.

- 1. The proposed conditional use will not have an undue adverse effect upon nearby property.**

No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties.

- 2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

The greyhound dog farm is compatible with the surrounding area, which is characterized by low-density single-family residential development, a golf course and agricultural uses, it is also compatible with the existing and planned character of the area in which it is located.

- 3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

The requirements of LDR Section 3.01.04 (20) is designed to protect surrounding properties from the adverse effects of a greyhound dog farm by providing for a limit to the maximum number of dogs, requiring ample setbacks of the structures housing the animals, addressing the issues of noise attenuation and odor control, and provisioning for the removal of animal waste and sewage. The site shall be developed in accordance with the requirements of Comprehensive Plan Policy 1-20.5, Submittal Requirements for Development Permits within the Wekiva River Protection Area, LDR Chapter VII, Wekiva River Regulations, and LDR Section 14.09.00, the Site Plan review and approval process.

- 4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

In addition to the requirements already discussed, access to and from the site is provided by way of an existing non-County maintained road, Shetland Trail, and a 50-foot access easement.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed use of a greyhound dog farm would not result in a significant additional demand on public facilities and services; and impacts, if any, will be addressed during site plan review.

The Public Works Department commented that site plans generally require a paved access.

The facility will be served by individual wells and septic systems. The Environmental Health Department commented that based on current rules, domestic and commercial waste must be disposed into an approved Department of Health/Lake County Health Department system. Being this site is within the WRPA, more restrictive rules apply requiring a more advanced disposal system. This issue will be addressed in detail by the Health Department during the site plan review and approval process.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is located within two and one-half (2.5) miles of Fire Station #39, a 24-hour manned station. Response time for this station is estimated at five (5) to ten (10) minutes. Public Safety and Emergency Services will address fire protection and access in detail during site plan review.

WRITTEN COMMENTS FILED: Supportive: -0-

Opposition: -0-

ZONING BOARD RECOMMENDATION:

FINAL ACTION BCC: